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REMARKS/ARGUMENTS

I. STATUS OF THE PENDING CLAIMS

Prior to entry of the amendments specified above, claims 11-23 and 25-39 were pending in the application, claims 1-10 and 24 having been previously canceled without prejudice. Following entry of this amendment, including the cancellation without prejudice of claims 32 and 35, claims 11-23, 25-31, 33-34 and 36-39 are pending in the application, of which claims 11, 18, 25, 30-31, 34 and 36-38 are amended as specified above. These amendments add no new subject matter.

Claims 11-23 and 25-39 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 5,470,218 to Hillman et al. ("Hillman").

II. REJECTIONS UNDER 35 U.S.C. § 102(b)

Claims 11-23 and 25-39 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Hillman. Applicant respectfully submits that these rejections are traversed on the basis of the following arguments.

A rejection of claims as anticipated under 35 U.S.C. § 102(b) requires a showing that each and every claim limitation be identically disclosed in the applied reference. If even one claim limitation is not disclosed in the reference, the claim is patentable over the reference.

All pending claims relate to methods and systems for monitoring and controlling an injection-molding process. Each of independent claims 11, 18, 25, 31 and 38 includes limitations directed toward (i) the use of *actual* values associated with the injection-molding process, (ii) a *computer used to monitor* the control and actual values associated with the injection-molding process, (iii) the *evaluation of actual values by a computer* and (iv) the *determination of setpoint values by a computer*. Furthermore, claims 18 and 31 contain an additional limitation of monitoring actual values *virtually in parallel* with receiving input from an operator, and claim 25 similarly contains the additional limitation of executing a software

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process for controlling the injection-molding process *in parallel* with executing a monitoring procedure. Likewise, defendant claims 12, 13, 16 and 33 are also directed to similar limitations relating to the operation of various components or steps *virtually in parallel* with each other. Hillman does not identically disclose, or even suggest, all of the limitations of claims 11, 18, 25, 31 and 38, or claims 12-17, 19-23, 26-30, 33-34, 36-37 and 39 which depend from them, as properly understood.

The Examiner argues that Hillman, at col. 4, lines 56-67, col. 5, lines 45-58 and col. 10, lines 2-4, discloses the use of *actual* values in connection with the monitoring and controlling of an injection-molding process. While these passages of Hillman may describe the use of parameter values, nothing in Hillman teaches or suggests that these parameter values are *actual* values representative of a current state of the injection-molding process. While the controller of Hillman allegedly maintains and adjusts the processing parameters, there is no disclosure that *actual* values are acquired by the controller, nor is there any indication that *actual* values are transmitted to and evaluated by a computer. Although Hillman purportedly describes a controller that sends parameter value data to a processor, because the acquisition of the parameter value data by the controller is not described, the parameter value data used in Hillman could presumably comprise estimates or stored data representative of previous machine states. For example, the parameter value data sent to the processor is stored in the disk drive of the processor rather than evaluated as *actual*, current values. Therefore, that Hillman "gives no indication that the aforementioned monitored parameters are not actual parameter values," as argued by the Examiner in the Office Action, is not a disclosure that such values must be *actual* values representative of the current state of the injection-molding process.

Hillman also fails to teach or suggest the use of a *computer for monitoring* a control or actual values associated with an injection-molding process. At most, Hillman describes monitoring by an operator, not a *computer*. The Examiner has failed to show or explain how the processor of Hillman itself performs any monitoring of the control or of the parameter values. Instead, the processor is purportedly equipped with a display screen for displaying data to and receiving input from an operator. References to "monitor" in Hillman, therefore, are directed to a physical device for displaying data to an operator, not to monitoring *performed by a computer*.

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Moreover, nothing in Hillman discloses a *computer program for executing a monitoring procedure based on the transmitted actual values*, as claimed in claim 25. The processor of Hillman merely stores received parameter values on a disk drive or displays them on a screen rather than execute a computer program to monitor them.

Likewise, Hillman does not disclose the *evaluation of actual values by a computer*. Although Hillman does describe a controller that sends processing parameter value data to a processor, nothing in Hillman teaches or suggests that the processor *evaluates* the parameter value data. Instead, as stated above, the processor merely stores this data on a disk drive or displays it on a screen for an operator to view.

As currently amended, all pending claims include a limitation that at least one setpoint value be *determined by a computer*. The Examiner argues that Hillman, at col. 1, lines 64-67 and col. 2, lines 1-5, discloses this claim limitation. The passage relied on by the Examiner, however, is from the background section of Hillman. Because the background section describes the state of the art *prior* to the patented invention, the statements made in the background section are not part of the alleged invention disclosed in the patent. The background section of Hillman purportedly describes an IBM machine with a controller capable of determining a temperature setpoint. First, the pending claims are directed to setpoint values *determined by a computer*, not a controller. The application clearly distinguishes between a control and a computer. Likewise, Hillman distinguishes between a controller and a processor. Second, nowhere in the alleged invention *actually disclosed* in Hillman does anyone or anything purportedly determine setpoints other than an operator. Both Hillman and the application clearly distinguish the operator from the computer. As such, the Examiner has failed to show how Hillman teaches or suggests setpoint values *determined by a computer*.

The Examiner argues that Hillman, at col. 11, lines 10-33 and col. 21, lines 16-20, discloses monitoring actual values virtually in parallel with receiving at least one input from an operator. Hillman, however, fails to teach or suggest this claim limitation. Instead, the cited passages merely describe a processor with a display screen for displaying data and for receiving input from an operator. As indicated in the cited passages, any monitoring allegedly performed

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in Hillman is performed by an operator, not a computer. (See, e.g., Hillman, at col. 11, lines 11-14 ("The process monitor provides *the operator* additional tools to observe a variety of processing parameters in a variety of different graphical formats, to identify overall system status at a glance." (emphasis added).)) The Examiner asserts that Hillman reads on the claim limitation because "it is common for a computer program to perform two functions at substantially the same time" and because Hillman allegedly discloses an "operator 'interacting' with the program . . . while it is monitoring values."

Even assuming, without conceding, that a computer program can perform two functions at substantially the same time, that is not what the Applicants have claimed nor is it what is described in Hillman. For example, claim 18 is directed to a computer that evaluates and monitors actual values virtually in parallel with receiving an input from an operator. Claim 31 is directed to a monitoring procedure executed by a computer virtually in parallel with receiving an input from an operator at a control. Clearly, this is not a matter of one program performing two separate functions. Instead, the computer executes a monitoring procedure while a separate operator enters input. In addition, claim 25 is directed not to one computer program performing two functions but to two separate computer programs each executing separate functions *in parallel*. Moreover, while the operator in Hillman may be "interacting" with a program, the program is not, as the Examiner claims, "monitoring values." As discussed above, it is the operator, not the computer, who actually monitors the values.

For these reasons, claims 11, 18, 25, 31 and 38, and claims 12-17, 19-23, 26-30, 33-34, 36-37 and 39 which depend from them, are respectfully submitted to recite allowable subject matter. The rejections of these claims should therefore be withdrawn.

CONCLUSION

Upon entry of this Amendment, claims 11-23, 25-31, 33-34 and 36-39 are pending in the Application. Applicants submit that these pending claims, for the reasons set forth above, recite patentable subject matter and are in condition for allowance. Reconsideration and allowance are therefore respectfully requested.

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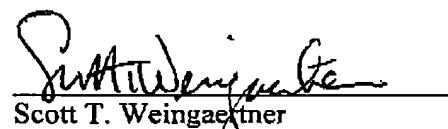
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The Commissioner is authorized to charge the fee for a three-month extension of time, as well as any additional required fee, to Deposit Account No. 23-1703.

Dated: May 15, 2006

Respectfully submitted,



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